



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JAN 04 2010

Elizabeth L. McCasland
U.S. Army Corps of Engineers
Ecological Planning & Restoration
CEMVN-PM
PO Box 60267
New Orleans, LA 70160-0267

Dear Ms. McCasland:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality Regulations (CEQ) for Implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Environmental Impact Statement (DEIS) for the Louisiana Coastal Area Beneficial Use of Dredged Material Program (BUDMAT), Louisiana.

EPA classified your DEIS and proposed action as "**LO**," i.e., EPA has "**Lack of Objections**". EPA is providing comments for your consideration. Our enclosed detailed comments are offered to complement and to more fully insure compliance with the requirements of NEPA. We ask that these comments be addressed and responded to in the Final EIS.

Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act, to inform the public of our views on proposed Federal actions. If you have any questions, please contact Michael Jansky of my staff at 214-665-7451 or by e-mail at jansky.michael@epa.gov for assistance.

We appreciate the opportunity to review the DEIS. Please send our office one (1) copy of the FEIS at the same time that it is sent to the Office of Federal Activities (2251A), EPA, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044.

Sincerely yours,

A handwritten signature in cursive script, reading "Cathy Gilmore", is written over the typed name.

Cathy Gilmore, Chief
Office of Planning and
Coordination (6EN-XP)

Enclosure

**DETAILED COMMENTS
ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
LOUISIANA COASTAL AREA
BENFICIAL USE OF DREDGED MATERIAL (BUDMAT) PROGRAM**

Thank you for the opportunity to review and provide comments on the November 12, 2009, Draft Programmatic Study Report and the Draft Programmatic Environmental Impact Statement (PEIS) for the Louisiana Coastal Area (LCA) Beneficial Use of Dredged Material (BUDMAT) Program for the Coastal Parishes of Louisiana. These Corps of Engineers documents build on the 2004 LCA PEIS by proposing an organizational structure and management guidelines for the BUDMAT program, funded with \$100 million over a ten year period. As authorized by the Water Resources Development Act of 2007, the program is designed to increase the use for coastal restoration purposes of sediment resources made available by federal navigation channel maintenance.

The Environmental Protection Agency (EPA) fully supports the efforts of the Corps of Engineers and the Coastal Protection and Restoration Authority of Louisiana by way of the BUDMAT program. Utilizing as much dredged material as possible for coastal ecosystem protection, enhancement, and restoration is more than just a laudable goal. It is a necessity if we are to attempt to maintain the habitat and natural processes that are the foundations of Louisiana's coastal environment. This program must be successful and point the way toward an expanded effort that will maximize future public ecosystem benefits from decades of federal expenditures for maintaining the country's coastal navigation system. In order to maximize the beneficial use of material dredged to maintain federal navigation channels, a number of funding and programmatic obstacles must be overcome and the BUDMAT program will make a positive contribution toward that goal.

Our EPA Region 6 office has participated in the series of interagency team meetings during several years of the plan formulation and National Environmental Policy Act (NEPA) scoping stages of the project and offered both formal and informal comments along the way. As we previously advised the Corps of Engineers, we have no concerns about the program objectives or general management structure as outlined in these two draft documents. In most respects, the recommended objectives and procedures satisfactorily address our previous comments.

In one respect, however, we may have a different view. There is no question that we fully agree with the first two goals of the BUDMAT program: 1) to restore and create coastal landscape features such as, but not limited to, marshes, ridges, and islands that provide wildlife and fisheries habitat with emphasis on ecological and hydrologic functions that support the ecosystem of coastal Louisiana; and 2) to reduce the loss of existing coastal landscape features such as, but not limited to, marshes, ridges, and islands to help sustain the ecosystem of coastal Louisiana. However, we may differ

some what in the emphasis placed on the third goal (particularly in the study report), which is to provide protection to Louisiana's coastal infrastructure.

We realize that "critical infrastructure" has been identified appropriately in the both the Corps' 2009 Louisiana Coastal Protection and Restoration Study (LaCPR) report and the State's 2007 Comprehensive Master Plan for a Sustainable Coast. This criterion is also identified in the programmatic objectives of the 2004 LCA Study Report. We acknowledge the social and economic benefits of protecting the State's coastal infrastructure. We differ only in the sense that we place a far higher priority on using dredged material for ecosystem benefits than on using this valuable in-situ resource as a building material for storm damage reduction features or to build projects that will provide storm water retention or wave buffering effects, for example. There are undoubtedly other suitable, and generally better suited, materials available for the construction of flood protection features. Further, ecological considerations, cost effectiveness, project synergy, and implementability should drive the project siting decisions. There should be other funding sources for infrastructure protection. Utilizing dredged materials to help offset the coastal ecosystem losses constitutes the highest and best use of this resource.

The draft documents we reviewed appropriately note that BUDMAT projects may provide incidental or secondary benefits such as storm damage risk reduction but explain that those benefits will not be assessed or considered in the selection of BUDMAT projects. However, protection of infrastructure as a direct effect is proposed to be one of five criteria for project selection and is proposed to be evaluated on a par with the other four. We believe that this criterion should carry less weight in the screening project process.

Consequently, we recommend that the statement of program objectives be modified to delete the third goal statement. This would provide a much clearer sense of the priorities and ground rules for developing project concepts and evaluating project priorities. Further, we recommend that the screening criteria related to protection of infrastructure be assigned a somewhat lesser value than the other four criteria.

We appreciate the change in this version of the draft documents in response to our previous discussions regarding distance and pumping limitations on pipeline sediment delivery projects. As time goes by, it is expected that this technique will become increasingly attractive and cost effective. Consequently, we suggested that hard and fast limitations on pumping distances and number of booster pumps should not be imposed at this time for the life of the BUDMAT program. Therefore, we appreciate the current proposal to define those project nomination criteria only for the first year of the program, allowing for consideration of increased range in future years if the technology and pricing make these types of projects more efficient.

Similarly, we agreed, as a member of the interagency study team, with the necessity of employing a "customized program alternative" for managing the BUDMAT

program. This approach is adapted from the decision-making process outlined in the 2007 EPA and Corps of Engineers Beneficial Use Planning Manual, *Identifying, Planning, and Financing Beneficial Use Projects Using Dredged Material*." The recommended customized approach retains the flexibility to adapt the process to ecological, economic, engineering, and social conditions which might significantly change throughout the duration of the BUDMAT program. The customized approach provides for a streamlined process for project evaluations while establishing a consensus on a set of selection criteria for screening and prioritizing project proposals.

The interagency team spent considerable time and effort working with the Corps on developing a tiered project review process and developing specific screening criteria. An initial set of screening criteria would be employed to identify suitable candidate projects. An additional set of criteria would be used to determine program priorities for selecting projects for detailed planning and design. We support the both the process and the criteria developed by the interagency team and believe that they should be utilized during the first year of program implementation.

As the BUDMAT program matures, we would encourage the Corps to utilize the services of the interagency team to review and make recommendations for applying or modifying criteria for future years based on the experiences of the preceding years, in the manner of an adaptive management process. As described, there is an adaptive management element of the BUDMAT program but it appears to be directed toward monitoring project success, which would indicate that adaptive management would be factored into project design and engineering specifications. We would request that the principles of adaptive management also be specifically applied to the project screening criteria.

One final issue of concern relates to the paucity of information presented in the two documents related to the potential for beneficial use projects to contribute to climate change/sea level rise adaptation efforts. The draft programmatic study report only briefly mentions this issue in the section on risk and uncertainty but neither document includes information on predicted rates of sea level rise for Louisiana. An appendix to the PEIS contains the Corps of Engineers' *Water Resource Policies and Authorities for Incorporating Sea-Level Change Consideration in Civil Works Programs* but the NEPA document does not incorporate a discussion on the topic. It would seem that the draft PEIS should highlight this issue early in the document, such as in the first chapter on the purpose and need for the program.

If you have any questions about this review, please call Barbara Keeler at 214-665-6698.